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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/783,936	WYBENGA ET AL.
	Examiner	Art Unit	
	CHRISTINE DUONG	2416	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS,
WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on _20 November 2008_.

2a) ☒ This action is **FINAL.**   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
   closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) _1-23_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) _1-23_ is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All b) ☐ Some * c) ☐ None of:

    1. ☐ Certified copies of the priority documents have been received.

    2. ☐ Certified copies of the priority documents have been received in Application No. _____.

    3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage
       application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
   Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

This is in response to the Applicant's arguments and amendments filed on 20

November 2008 in which claims 1-23 are currently pending.

Claim Rejections - 35 USC § 103

1.   Claims 1, 3-5, 7-8, 10, 12-14, 16-17, 19, 21-22 are rejected under 35 U.S.C.

103(a) as being unpatentable over Brandis et al. (US Patent No. 6,654,343 B1 hereafter

Brandis) in view of Krishna et al. (US Patent No. 6,563,837 B2 hereafter Krishna).

Regarding claims **1, 10, 19**, Brandis discloses a router, a communication network

comprising a plurality of routers that communicate data packets to one another and to

interfacing external devices, each of said plurality of routers and a method of routing

data packets.

The limitation, a switch fabric (the following elements either alone or in

combination of Ingress Scheduler 205, Switch Fabric 210, Egress Scheduler 215, fig. 2

or the following elements either alone or in combination of Ingress 300, Switch Fabric

330, Egress 360, fig. 3).

The limitation, a plurality of routing nodes coupled to said switch fabric, wherein

each of said plurality of routing nodes comprises packet processing circuitry capable of

transmitting data packets to, and receiving data packets from, said external devices

(Ingress 300 and Egress 360, fig. 3 or input link 200 and output link 220, fig. 2) and

further capable of transmitting data packets to, and receiving data packets from, other

ones of said plurality of routing nodes via said switch fabric (Switch Fabric 330, fig. 3 or

Switch Fabric 210, fig. 2).

The limitation, said switch fabric is capable of detecting that the output bandwidth

of a first output of said switch fabric has been exceeded ("the egress may use the flow

control messages to indicate that the particular flow has occupied its share of space in

the egress buffers 212" column 5 lines 26-27) and, in response to said detection, said

switch fabric causes a first one of said plurality of routing nodes to slow an input rate of

data packets transmitted from said first routing node to a first input of said switch fabric

("the ingress scheduler 205 needs to slow down (e.g., send cells from that flow at a

slower pace) or to stop sending additional cells from that flow" column 5 lines 27-31).

However, Brandis fails to specifically disclose detecting that the output bandwidth

of a first output of said switch fabric has been exceeded.

Nevertheless, Krishna discloses "if any one virtual input queue in any one output

port exceeds the threshold occupancy rating, flow control is turned on for the input port

corresponding to that virtual input queue in that particular output port. As such, that

input port stops sending cells and requests to that output port" (column 19 lines 48-53).

Therefore, it would have been obvious to a person having ordinary skill in the art

at the time the invention was made to detect that the output bandwidth of a first output

of said switch fabric has been exceeded because "using virtual input queues in the

output ports increases fairness for data transferred through the network device"

(Krishna column 18 lines 20-22).

Regarding claims **3, 12, 21**, Brandis and Krishna discloses everything claimed as applied above (see claims 1, 10, 19, respectively). In addition, Brandis discloses said first routing node comprises a first queue comprising a plurality of prioritized buffers capable of storing data packets to be transmitted to said switch fabric ("the ingress 300 maintains the incoming flows in multiple flow queues. In this example, each flow is represented once across all of the flow queues. Cells in each flow are sent across the switch fabric 330 to the egress 360. In one embodiment, each flow queue is associated with a priority level" column 5 lines 40-45).

Regarding claims **4, 13**, Brandis and Krishna discloses everything claimed as applied above (see claims 3, 12 respectively). In addition, Brandis discloses said first routing node slows down a rate at which data packets are transmitted to said switch fabric from said first queue ("the ingress scheduler needs to slow the pace of sending cells from an offending flow" column 5 lines 66-67).

Regarding claims **5, 14, 22**, Brandis and Krishna discloses everything claimed as applied above (see claims 4, 13, 21 respectively). In addition, Brandis discloses said first routing node selects data packets to be transferred to said switch fabric from a first one of said plurality of prioritized buffers according to a priority value associated with said first prioritized buffer ("with the priority levels being from 0 to 8, the flow queue 305 is associated with the priority level 8 and the flow queue 310 is associated with the priority level 0. In one embodiment, the priority level zero (0) is a lowest priority level. A new flow arriving at the ingress 300 is placed in the flow queue associated with the priority level similar to the priority level of the flow" column 5 lines 45-51).

Regarding claims **7, 16**, Brandis and Krishna discloses everything claimed as applied above (see claims 3, 12 respectively). In addition, Brandis discloses said first routing node routes said data packets using Layer 3 routing information ("The packets (e.g., IP packets) being transmitted from the ingress to the egress have variable lengths" column 4 lines 12-13).

Regarding claims **8, 17**, Brandis and Krishna discloses everything claimed as applied above (see claims 7, 16 respectively). In addition, Brandis discloses said Layer 3 routing information comprises an Internet protocol (IP) address ("The packets (e.g., IP packets) being transmitted from the ingress to the egress have variable lengths" column 4 lines 12-13).

2.   Claims 2, 11, 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brandis and Krishna further in view of Murakami et al. (PG Pub US 2004/0179542 A1 hereafter Murakami).

Regarding claims **2, 11, 20**, Brandis and Krishna discloses everything claimed as applied above (see claims 1, 10, 19, respectively).

However, Brandis and Krishna fails to specifically disclose said switch fabric implements a Weighted Fair Queuing algorithm to slow said input rate of data packets from said first routing node.

Nevertheless, Murakami et al. teaches "in an input and output buffer switch that arranges buffer memories at input and output ports, respectively, the problem of the static occupation of an output circuit by specific connections can be improved by a

buffer memory read scheduling criterion such as Weighted Fair Queuing (WFQ)"

(Murakami [0007] Lines 5-10).

Therefore, it would have been obvious to a person having ordinary skill in the art

at the time the invention was made to implement a Weighted Fair Queuing algorithm to

slow the input rate of data packets from the first routing node because "a study of buffer

memory read scheduling has been actively conducted as one of the techniques that are

proposed to provide the QoS guarantee mechanism as mentioned above or a class-

based priority control mechanism" (Murakami [0007] Lines 1-4).

3.   Claims 6, 15, 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Brandis and Krishna further in view of Hesse (US Patent No. 6,289,021 B1).

Regarding claims **6, 15, 23**, Brandis and Krishna discloses everything claimed as

applied above (see claims 5, 14, 22 respectively). However, Brandis and Krishna fails

to specifically disclose said first routing node causes a first one of said external devices

to slow a rate at which data packets are transmitted to said first queue.

Nevertheless, Hesse discloses "one method of reducing input rate is to specify

that the external device connected to port 104 meters or otherwise reduces the

frequency at which messages are injected" (column 37 lines 28-31).

Therefore, it would have been obvious to a person having ordinary skill in the art

at the time the invention was made to cause a first one of said external devices to slow

a rate at which data packets are transmitted to said first queue "this technique places

responsibility for the rate reduction on a device external to the switch" (Hesse column

37 lines 31-32).

4.   Claims 9, 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Brandis and Krishna further in view of Gruia (PG Pub US 2002/0135843 A1).

Regarding claims **9, 18**, Brandis and Krishna discloses everything claimed as

applied above (see claims 3, 12 respectively). However, Brandis and Krishna fails to

specifically disclose said first routing node routes said data packets using Layer 2

medium access control (MAC) address information.

Nevertheless, Gruia teaches "the switch module is capable of performing layer 2

switching based on MAC addresses" (Gruia: [0051] Lines 13-14).

Therefore, it would have been obvious to a person having ordinary skill in the art

at the time the invention was made to route data packets using Layer 2 MAC address

information because "the address table provides source and destination addresses for

packets that are being forwarded through the switch module" (Gruia: [0051] Lines 9-11).

Response to Arguments

5.   Applicant's arguments have been fully considered but they are not persuasive.

Applicants have argued regarding claims 1, 10, 19 that "The Applicant

respectfully submits that, if the ingress 300 and egress 360 describe the recited switch

fabric, they cannot describe the recited routing nodes that send information to each

other via the switch fabric. Similarly, if the ingress 300 and egress 360 describe the

recited routing nodes, they cannot describe the recited switch fabric that couples the

routing nodes and carries data packets between the routing nodes. Furthermore, if the

recited switch fabric is described by ingress scheduler 205, switch fabric 210, and

egress scheduler 215, then there are no remaining elements in the system of Brandis to describe the recited routing nodes" (page 10).

In response to Applicants' argument, the examiner respectfully disagrees. In Brandis, the ingress scheduler 205 and egress scheduler 215 are considered to be the routing nodes because they communicate with external devices (through the output link 220 and input link 200 where the links are connected to other nodes) as well as with each other ("the packets being transmitted from the ingress to the egress" column 4 lines 13-14). In addition, the switch fabric 210 and egress scheduler 215 are considered to be the switch fabric because this combination of the switch fabric allows the input rate to slow down ("the egress uses the flow control messages to indicate that the particular flow has occupied its share of space in the egress buffers 212 and that the ingress scheduler 205 needs to slow down (e.g., send cells from that flow at a slower pace) or to stop sending additional cells from that flow" column 5 lines 25-30). Therefore, Brandis discloses the limitations of claim 1.

Conclusion

6.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to CHRISTINE DUONG whose telephone number is

(571)270-1664. The examiner can normally be reached on Monday - Friday: 830 AM-6

PM EST with first Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Seema Rao can be reached on (571) 272-3174. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

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you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Kevin C. Harper/
Primary Examiner, Art Unit 2416

/Christine Duong/
Examiner, Art Unit 2416

01/26/2009